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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1423RD MEETING

Held at Headquarters, New York,
on Thursday, 15 July 1993, at 3 p.m.

Chairman:	Mr. LOHIA	(Papua New Guinea)
later:	Mr. BANGALI (Vice-Chairman)	(Sierra Leone)

- Special Committee decision of 15 August 1991 concerning Puerto Rico (continued)

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The meeting was called to order at 3.35 p.m.

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1991 CONCERNING PUERTO RICO (continued)

The CHAIRMAN: Members have before them additional communications containing requests for hearing, which have been circulated in aide-mémoire 14/93/Add.2. If there are no objections, may I take it that the Committee accedes to those requests?

It was so decided.

At the invitation of the Chairman, Ms. Lucy Varcárcel (Committee for Puerto Rican Affirmation) took a place at the Committee table.

The CHAIRMAN: I call on Ms. Varcárcel.

Ms. VARCARCEL (interpretation from Spanish): My name is Lucy Varcárcel. I am a black Puerto Rican and a doctoral student at Columbia University living temporarily here in New York. I appear before this body this afternoon as an active member of the Committee of Puerto Rican Affirmation of New York City, and the opinions expressed in my statement reflect the collective conscience and feelings of that Committee.

The Committee for Puerto Rican Affirmation of the City of New York appears once again in this international forum in order to ask this most high legislative body to press forward now in the decolonization of Puerto Rico and thus implement the General Assembly resolution that seeks to eradicate the last vestiges of colonialism in this last decade of the twentieth century. In the past we have reported to the decolonization Committee and its Chairman on the United States Government's irregularities, excesses and violations of human rights and the obstacles it has thrown up to the self-determination of peoples in connection with the specific case of Puerto Rico.

(Ms. Varcárcel)

Since our last report the situation has not improved; in fact, it has worsened. In this statement, in view of the time constraints, we shall deal with only three of the most striking points in connection with the colonial status of Puerto Rico: first, the case of the 23 Puerto Rican political prisoners and prisoners of war in United States jails; secondly, the plebiscite on the status of Puerto Rico planned for 14 November 1993; and, thirdly, the debate that has emerged over section 936 of the United States Internal Revenue Code, a piece of legislation generally known as 936.

On 19 November last year 499 years of colonialism in Puerto Rico were completed. It was also on that date that the New York City Council adopted by an overwhelming majority its resolution 617-A, urging the United Nations Secretary-General to ask the United States Government to decree an amnesty for all Puerto Rican political prisoners and prisoners of war. Some months later, in a letter dated 21 May this year, the Mayor of New York, head of the City Council, wrote to President Clinton endorsing the request for amnesty for Puerto Rican political prisoners and prisoners of war. I shall not deal now with the shameful conditions and mistreatment suffered by the 23 Puerto Rican political prisoners and prisoners of war; Mr. Luis Nieves Falcón and his organization Ofensiva 92, along with other organizations, take care of that. We therefore wish to refer the Committee to the statements made by Mr. Nieves Falcón here in past years. His comments are still valid, and under current conditions even more vital. What we wish to highlight is the significance and profound political and social implications of New York City [illegible] of Puerto Rican political prisoners and prisoners of war.

(Ms. Varcárcel)

It is certainly ironic that the municipal authorities of Anglo-American cities are making space on their agendas, which are so full of local matters, to give international publicity to a cause as just and commendable as this. We are all familiar with the protests of Pedro Albizu Campos, the scourge of United States colonialism in Puerto Rico, over the way in which United States domination, with its practice of Anglo-Saxon law, has quickly undermined the autonomy and democratic power of the municipalities. In Roman law, from which Spanish public administration derives, and which is often unjustly scorned, the municipality is the trustee of the sovereignty and power of the people; hence the importance of resolution 617-A of the New York City Council. We hope that in its deliberations on the case of Puerto Rico the Committee will give due weight to the implications of that resolution.

The mere fact that a grass-roots and democratic organization such as the City Council recognizes violations committed by the United States, in contravention of international law, in Puerto Rico demonstrates once again the classical colonial status of Puerto Rico in spite of all the manipulations and the subterfuge by Washington to try to conceal the violations and abuses of power committed in our homeland.

Our second point concerns the plebiscite in Puerto Rico planned for 14 November 1993. It is alarming that an attempt is being made to deceive the Puerto Rican people with the holding of consultations that do not meet the minimum standards of international law: transfer of sovereign power to the Puerto Rican people; release of all Puerto Rican political prisoners and prisoners of war; removal of the military from the island; dismantling of all repressive United States agencies operating on the island; and the monitoring of those consultations by international organizations and agencies.

(Ms. Varcárcel)

Moreover, the planned consultations in no way commit the United States Congress, the real seat of Puerto Rican sovereignty. It is the United States Congress which, on the basis of the territorial clause in the United States Constitution, legislates over Puerto Rico and controls all internal legislation enacted on the island. None the less, an attempt is being made to legitimize a colonial process in Puerto Rico which is very much reminiscent of the farce of the 1967 plebiscite, a plebiscite that was fought by a large sector of the Puerto Rican population and was rejected by the international community. The Committee for Puerto Rican Affirmation wishes to denounce before this lofty forum the manipulation involved in this new plebiscite, and we urge the Committee on decolonization to take the necessary measures to establish a real decolonization plebiscite in the light of international law.

We have thus far referred to questions that are above all in the social and political sphere. Our third and last point is basically economic in nature, but it has grave political and social consequences for Puerto Ricans on and off the island. We refer to the debate that has taken place on section 936 of the United States Internal Revenue Code, legislation which gives tax exemption and other privileges to United States companies incorporated in Puerto Rico. That debate has demonstrated the colonial and dependent status of the Puerto Rican economy. It is common knowledge how 300,000 or more jobs were threatened by the imminent repeal of section 936 and the way in which it was saved. The question is not whether or not foreign investment promotes dependency, but whether there is a well-balanced economic policy providing alternative models to confront the type of crisis that will arise when, in the near future, there is an irrevocable decision to abrogate section 936.

(Ms. Varcárcel)

In this respect, when a country has its hands tied and depends on Washington legislation, it becomes one of the most elemental examples of colonial dependency. The situation of dependency is further complicated because the ideologues of commonwealth status in Puerto Rico, with their plan to create a window of economic development in the Caribbean, led the country into economic isolation, since they did not foresee any alternative model such as those proposed by the Puerto Rican left in order to confront such a situation. What is section 936 other than an expression of chronic dependence, which began with the Mexican situation in 1586, and which, in various guises, continues to this day?

The battle to save section 936 involved broad sectors of the Puerto Rican community and the non-Puerto Rican community on and off the island. In its editorial of 1 July, El Diario La Prensa, an important New York newspaper, after commending the initial efforts made by the Mayor of New York, Mr. David Dinkins, and Congresswoman Nancy Pelosi of California, summarized the list of other defenders of this legislation, writing:

> "The survival of section 936, however, was not spontaneous. Among those responsible some names are more striking than others: the Governor of New York, Mr. Mario Cuomo; Senator Daniel Patrick Moynihan; the Mayor of New York, Mr. David Dinkins; the Mayor of Newark, Mr. Sharpe James; the President of Bronx County, Mr. Freddy Ferrer; the State Senator from New York, Mr. Efraín González; the Assemblyman from New Jersey, Mr. Bill Bradley and the Congressman from New Jersey, Mr. Bob Menéndez. The place of honour on this list, of course, belongs to the three Puerto Rican members of Congress that headed the struggle for section 936. José Serrano, Nydia Velázquez and the representative of Illinois, Luis Gutiérrez."

(Ms. Varcárcel)

The point we want to bring to the Special Committee is not the pros and cons of section 936, or the question of what persons have been involved in the humanitarian work of fighting for legislation that can ensure the livelihood of 70 per cent of workers in the manufacturing sector in Puerto Rico, thus avoiding a collapse of the already hard hit Puerto Rican economy. Nor do we want to put before the Committee a truth with which all are familiar: the Puerto Rican economy's dependency resulting from its colonial status and the fact that it is a captive market for the United States.

What is new is the fact that Puerto Ricans on the island have to depend on the initiatives and services of leaders and legislators that they hardly know and who are not their elected representatives. The Puerto Ricans on the island, unable to elect representatives to the United States Congress, are represented by members of Congress from New York and Chicago. This political monstrosity results from shady deals in the colonial court concerning the political status of Puerto Rico. Documents show that 460,826 Puerto Ricans emigrated to the United States in the 1950s. This was one of the most alarming mass exoduses in the history of colonized countries. The documents also show that earlier and later waves of migration to the United States were officially encouraged to serve as an escape valve from the desperate economic situation on the island. This demographic flow has been so complicated that today we are a divided nation, with over 2 million of our nationals living outside the national territory.

Institutionalized colonialism has brought us into most unexpected situations, such as political horrors reminiscent of the best scenes by the Spanish playwright, Ramón del Valle Inclán. The grotesque and tragi-comic aspects of colonialism in Puerto Rico are perhaps unique in the world, as is

(Ms. Varcárcel)

evident from the way in which the situation has been repudiated by the international community.

We have been concise in our statement. We have outlined only three of the many areas of conflict that are the result of United States intervention in Puerto Rico - an intervention which is clearly illegal.

It is now up to the Committee, the instrument of political and social justice of this universal forum, to deliberate once again on the situation to which colonialism has subjected Puerto Rico.

We had not intended to make a philosophical discourse out of this petition, but we have so many times appealed to logic and reason in order to describe the excesses and the arbitrary actions by United States imperialism in our homeland; so many times people have described here United States violations of our most basic rights. They have done so with geometric precision and with all the rigour of formal and analytical logic that is needed to prove the most brilliant of theorems. So much empirical, tangible and palpable evidence has been brought to this international forum year after year that the colonial situation of Puerto Rico is now so clear that we sometimes wonder about the real role of dialogue and of human letters.

(Ms. Varcárcel)

Early in the seventeenth century Cervantes put it very clearly:

"It is the aim of letters - and I speak here not of divine letters, which are intended to carry human souls to heaven: I speak of human letters - to establish just distribution and give everyone his due, and to recognize good laws and ensure that they remain in force".

But Cervantes tells us more than once that for that goal to be properly met letters must be supported by force of arms. Only thus can bad Governments be overthrown and peace guaranteed - which is the purpose of force.

Four hundred years after this discourse on arms and letters, and viewed from an exclusively humanist standpoint, we see the true meaning of the long national liberation struggle of the Puerto Rican people. It is in that context that we see the glorious, just past of Puerto Rican armed power; we see a liberation struggle stretching from the Battle of Yagueca in 1511 against the ravenous Spanish Power to Lares in 1868 and Jayuya in 1950, by way of the infamous and humiliating Treaty of Paris of 1898 and the harmful United States intervention, which to this day has made the Puerto Ricans into pariahs in their own land, dispossessed of their own homes, begging for their bread.

Also in that context we see the great significance of those outstanding figures, Pedro Albizu Campos, Lolita Lebrón, Rafaeo Cancel Miranda, the 23 Puerto Rican prisoners of war, the Macheteros and all the other men and women who have taken up arms to ensure that good laws are enacted and respected.

I wish to conclude by warmly thanking you, Sir, and the other members of the Committee on decolonization for this opportunity once again to describe the violations committed in Puerto Rico by United States colonialism. The

(Ms. Varcárcel)

Committee for Puerto Rican Affirmation of New York City urges this Committee to accelerate the process of the decolonization of Puerto Rico. As a new international order emerges, and as the United Nations comes to be involved in regions so diverse and far-flung as Bosnia, Somalia and Haiti, the case of Puerto Rico takes on paramount importance in the deliberations of the Committee on decolonization.

The work of this universal forum with the mission of serving as the political conscience of mankind must be commensurate with our times so as to be able to face implacable History when it demands a balance sheet of its deliberations. May this truly be the decade of the eradication of colonialism the world over. In the meantime, in Puerto Rico, whose colonial Government is preparing to celebrate 500 years of colonialism, it is, to quote Martí, the apostle of Cuban independence, "the hour of the furnaces; we must be careful to see only the light".

Ms. Varcárcel withdrew.

At the invitation of the Chairman, Mr. Ronald Fernandez (Justice for Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Fernandez.

Mr. FERNANDEZ: My name is Ronald Fernandez. I am a United States citizen of Spanish ancestry, and I represent an organization called Justice for Puerto Rico.

I would like to begin by citing a statement made by Congressman Fred Crawford on 5 May 1949. That Congressman was a powerful member of the House of Representatives Committee that decided Puerto Rico's post-war fate. He was an architect of what is today called the Commonwealth. He said this:

(Mr. Fernandez)

"I do not know of any better time on Earth than today, this week and next week for us to learn something about our colonial possessions and our subjects".

Crawford referred to Puerto Rico and the Virgin Islands, and in the course of the congressional debate he and another Representative once again used the word "subject". There is no record of any congressional objection, no indication that anyone was appalled, no sign that Puerto Ricans were anything other than "subjects" of a king then named Harry Truman.

Someone might say, "That was 50 years ago and Crawford was an aberration". That is not true. A White House memorandum of 30 April 1974 found in the archives of former President Nixon includes this comment:

"Senator Henry Jackson recently visited Puerto Rico as the guest of Governor Hernandez Colon. ... He said that even if the people were to vote for independence Puerto Rico can't become so. He further added that English must be the dominant language if statehood is asked for. In summary, neither independence, developed commonwealth nor statehood can be had. They must remain a colony".

There is no evidence that anyone in the Nixon White House baulked at the use of the word "colony". Equally important, if Puerto Rico had to remain a colony then Democratic presidential candidate Jackson was at least honest in his 1974 statement. Nothing changed in 1952: Puerto Rico remained what it had been since 1898, a colony of the United States of America.

(Mr. Fernandez)

Sometimes United States officials express concern for the welfare of Puerto Rico and its people. Occasionally they may mean what they say. But having thoroughly reviewed White House documents from nine presidential libraries, I would argue that the following behaviour is far more characteristic of United States officials, especially those at the highest levels of the United States Government.

In 1969 pro-statehood Governor Luis Ferre had, according to President Nixon's aide Harry Dent, "ants in his pants". Ferre had been pleading for five minutes of President Nixon's time, but he had been refused. Dent said, "I need this right away since the ants are beginning to eat up his pants". The Governor got his five minutes. He was able to show his people he had power in Washington. But in 1971 he had the temerity to ask for 20 minutes of President Nixon's time. Luis Ferre was running for re-election and he wanted once again to impress his people. This time even Henry Kissinger stepped in: no meeting; no 20 minutes.

Finally, Governor Ferre won out. He and his daughter visited the President. They had photographs taken. As the attached White House memoranda make clear, this was President Nixon's concern: the meeting was

> "a good time to get some film in the can for our own use to turn into film clips to use next year during the campaign in case we do some media advertising targeted at Puerto Rican areas".

I urge members to remember that this level of presidential cynicism and/or indifference is a non-partisan constant. In 1964, President Johnson spent 15 minutes with the group that devised the 1967 plebiscite primarily because of the New York Puerto Rican vote. And in 1993 President Clinton

(Mr. Fernandez)

pushed for changes in the United States Government's section 936 tax laws with no indication of their extraordinary importance to the Puerto Rican economy and the Puerto Rican people.

Puerto Rico is a colony ruled by Washington officials who have to be pressured to spend even five minutes with their "subjects". This is a horrible contradiction for the United States, and I am disillusioned enough to believe that, given a century of United States colonialism, nothing will change unless the United Nations casts a very bright spotlight on the United States and its provable hypocrisy.

The Committee should demand today that the United States answer a question raised in 1942 by then Assistant Secretary of State Sumner Welles. In the Washington debates that led to the creation of the United Nations and eventually to the existence of this very Committee Welles said,

> "There is a great moral question involved here, and it is a question that will shape and colour the history of the world after this war is over ... What inherent right has France to territory which she has seized, sometimes by war, as recently as the 1880s, any more than Japan has to seize by force certain territories of China which she has now occupied? The only difference is in point of time".

I agree. Thus, I pose this question: What inherent right has the United States to Puerto Rico, a nation it seized - and again I quote Senator Henry Jackson - "by an act of conquest" that occurred not in the 1880s but in 1898?

(Mr. Fernandez)

It is way past high time to use the powerful light of international shame to compel the United States to resolve what is in fact a great moral question of the post-war world. Free Puerto Rico, and instantly begin the process of decolonization by requesting the President of the United States to comply with the requirements of General Assembly resolution 1514 (XV) by unconditionally releasing the many Puerto Rican revolutionaries now sitting in American prisons because they followed, along with the example of Pedro Albizu Campos, the advice of Thomas Jefferson.

The United States Declaration of Independence contains the admonition that it is not only their right, "it is their duty", for citizens to throw off a colonial government. Eleven of the Puerto Ricans now in prison were members of the FALN - the Armed Forces for National Liberation. They publicly began their struggle in 1974, the very year in which Senator Jackson openly told the Puerto Rican people they must remain a colony.

Thus, whatever reservations honest men and women may have about the use of violence, this much seems irrefutable. According to the United Nations and the United States, colonialism is the crime, revolution the right.

The Puerto Rican revolutionaries exercised a right accepted by this body, yet some are now entering their fourteenth year of very hard prison time.

At the Federal Penitentiary in Lewisburg prisoner of war Edwin Cortes received a visit from his paralysed brother. The accident occurred when the young man was on his way to Lewisburg so it was torturous for Edwin to imagine this first visit with his suddenly handicapped brother. However, because Lewisburg had no facilities for the handicapped, Edwin had to see his brother in a non-visitors area. The result was that both men were then paralysed, Julio by the accident, Edwin by the handcuffs on his hands and the shackles on his legs.

(Mr. Fernandez)

Prisoner of war Alicia Rodriguez was chained to her hospital bed before, during and after major surgery; Juan Segarra Palmer, after more than two years in administrative detention, is now serving a 55-year sentence for his revolutionary activities; and, as we discuss colonialism in these very elegant surroundings, Oscar Lopez Rivera is now entering his seventh year of a "lock-down" in Marion Penitentiary. In West Germany today political prisoners are housed with the general population; in the United States Mr. Lopez Rivera spends 22 hours a day in a tiny cell, enduring an isolation that is hard to imagine, and absolutely impossible to justify.

Yet Mr. Lopez Rivera somehow maintains a sense of optimism. He paints and, despite years in a human hell, he creates pictures which display hope, warmth and humanity. Mr. Lopez Rivera remains, as they say in Puerto Rico, vertical. He believes that colonialism will end if only because of a statement made by the then United States Governor of Puerto Rico, Rexford Tugwell, on 4 July 1942:

> "The Declaration of Independence did not end colonialism, but it removed that system to a moral category which made it indefensible."

Colonialism was indefensible in 1898, in 1942 and in 1974, and it is indefensible today. I say to the Committee: "Free Puerto Rico; free the political prisoners; provide an unconditional amnesty for those now living clandestinely; and free the United States from a contradiction it refuses to resolve on its own. Take the law into your hands, and do it quickly, because the Committee is still the best available forum peacefully to prosecute a 100-year-old crime: United States colonialism in Puerto Rico."

Mr. Fernandez withdrew.

The CHAIRMAN: I remind petitioners and spectators that we are not at a sports stadium or a cinema; we are attending to serious business. I therefore appeal to them to allow the Committee to proceed expeditiously to enable it to hear all the petitioners. Time is so valuable. I appeal for cooperation.

At the invitation of the Chairman, Mr. José Luis Morín (Center for Constitutional Rights) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Morín.

Mr. MORIN: This statement is presented on behalf of the Center for Constitutional Rights and the Instituto Puertorriqueño de Derechos Civiles, two organizations which have sought to protect the civil and human rights of the Puerto Rican people in the United States of America and in Puerto Rico. We come before the Committee today to address the question of Puerto Rico's continuing colonial status and to urge that the Committee fulfil its mandate to eradicate colonialism with respect to the island nation of Puerto Rico.

November of this year marks the beginning of the sixth century of colonial domination of Puerto Rico. That very month has been chosen by the political party currently in power to hold what it describes as a "plebiscite" or "referendum on status", thereby expressing its dissatisfaction with the island's colonial condition. Unfortunately, the referendum of 1993 will do no more to resolve Puerto Rico's colonial status than the creation of the "Estado Libre Asociado" in 1952 or the "plebiscite" of 1967. This is true because the United States continues to insist that as a matter of United States law Puerto Rico is a mere territory "belonging to the United States" and therefore governed by the will of the United States Congress, which has chosen for 95 years to ignore the right of Puerto Ricans to self-determination.

(Mr. Morín)

Regardless of the outcome in November, Puerto Rico will be subject to the "territorial clause" of the United States Constitution, and so long as it is so subject its people cannot exercise their right to self-determination. We therefore urgently call upon the Committee to renew and reinvigorate its historic commitment to the full application of resolution 1514 (XV) to the case of Puerto Rico.

We emphasize the requirement in resolution 1514 (XV) that all sovereign powers be transferred to the colonized people before any valid exercise of the right to self-determination, not merely because we are dedicated to using the law to achieve social justice, but because the resolution reflects the wisdom of many former colonies now participating as full members of the General Assembly. It embodies the truth that colonialism is a complex process implemented by means of cultural, economic, military and policial, as well as purely legal, mechanisms, and therefore decolonization requires the undoing of colonial dependency in all these spheres before a people can freely express its will in a genuine act of self-determination.

In Puerto Rico, colonialism has been maintained for 95 years by means of consistent efforts to divorce the people from their culture by a variety of sophisticated means not available in the heyday of colonialism - particularly public communications media and an invasion of foreign consumer goods. This has led many to believe that Puerto Ricans do not suffer, but benefit, from the colonial relationship. Members of the Committee should not be deceived, however, by Puerto Rico's apparent prosperity. Puerto Rico, as a colony of the United States, suffers the highest rates of HIV infection, alcoholism, mental illness, divorce, suicide and incarceration, in addition to myriad social problems, including high unemployment, lack of adequate low-cost

(Mr. Morín)

housing, drug addiction, school truancy and children who are mothers. Colonialism by any name is a crime against humanity because it threatens the very existence of a people. Puerto Rico is no exception.

If cultural assimilation is the velvet glove of colonialism, militarism is its iron fist. With the advent of an annexationist colonial administration in Puerto Rico, we see a dramatic increase in both. Today, in addition to the ever-present repression of the independence movement, we are witnessing a new and unprecedented use of military force to resolve Puerto Rico's social problems: the military occupation of the public housing projects.

(Mr. Morín)

To date, close to a dozen communities have been invaded by as many as 500 troops in the pre-dawn hours by heavily armed units, largely military police of the United States Army National Guard. Once the soldiers arrive, they seize the housing units, seal them off and conduct searches and arrests without warrants in the name of the war against crime and drugs. No one knows how long they will stay. They have been patrolling and controlling access to some housing projects for weeks. The Governor and Chief of Police - a former agent of the United States Federal Bureau of Investigation (FBI) - promise to expand the programme, saying that they plan to help solve many of the social problems which plague the residents. As one resident of a housing project not yet invaded has asked, why does the Government not simply provide the services, rather than spend millions of dollars in displays of force?

In response to queries about the violations of human and civil rights involved in these take-overs, the Governor suggested that no one but criminals would object and affirmed his determination to break as many doors as necessary in pursuing his colonial version of the United States so-called war on drugs. In reality, it is an assault against the poor. To be poor is now an offence subject to summary punishment in Puerto Rico. Without formality, the Governor has suspended the colonial constitution and human rights of the residents of these housing-project areas.

The last time the National Guard occupied entire communities in Puerto Rico was during the nationalist revolution of 1950, when a state of insurrection existed. We know, however, that the United States has historically used or supported the use of military force throughout the Caribbean and Latin America to subjugate and control sectors of the population perceived as problematic to its interests. It is no mere coincidence that the Governor, who made the proposed plebiscite on status a campaign pledge and

(Mr. Morín)

promises to make Puerto Rico a state of the United States, is also seeking to have Puerto Rico replace Panama as the headquarters for the Southern Command, the United States military nerve centre responsible for interventions throughout Latin America. This effort represents yet another shameful attempt to ensure United States domination over Puerto Rico beyond the year 2000, when the current treaty with Panama expires.

As organizations dedicated to the preservation and expansion of human and civil rights, we vigorously condemn the discriminatory and illegal use of military force to repress the poor in Puerto Rico. We also denounce the United States historical use of, and continued reliance upon, military intervention to implement its strategic policies in the region. We call upon the international community to investigate these massive and grave violations of the human rights of the citizens of Puerto Rico.

The strategic significance of these developments is indisputable. As in 1978, a pro-statehood administration in Puerto Rico is bent upon demonstrating that the population is under control and that it is capable of imposing statehood through force. There is, of course, nothing new in the use of force to create a "more favourable climate" for colonization. In 1952, to prepare the island for the imposition of its current colonial status, it was made a crime to display, much less publish, the literature of the Nationalist Party, and people were terrorized for displaying the flag of Puerto Rico. Thousands were arrested, jailed, persecuted, blacklisted and fired and denied jobs, housing, pensions, loans and education.

During the last pro-statehood administration, from 1976 to 1984, the National Security Council conspired with the United States military, the local police and the National Guard to impose a regime of terror during which the Puerto Rican Bar Association office was bombed for its decision to appear

(Mr. Morín)

before this Committee. The ongoing persecution of independistas who dare to struggle, consistent with international law, for the full exercise of the right to independence is further evidence of continuing colonial repression.

No country that aspires to freedom can succeed without men and women whose life's ambition and ultimate goal is the liberation of their homeland. Nearly two dozen Puerto Rican freedom fighters remain jailed in the United States, subject to disproportionate penalties and psychological torture. We call upon this Committee to remind the colonial Power that resolution 1514 (XV) requires the release of all political prisoners and an end to political repression of all kinds prior to the conduct of any legitimate decolonization process.

Puerto Rico today is a nation of political prisoners, with a long road to freedom. Barely a year ago the Supreme Court of Puerto Rico upheld and expanded a 1988 decision that declared, perhaps for the first time in our history, that to favour independence for Puerto Rico was not a crime. The ruling documented and condemned at least five decades of systematic surveillance of all Puerto Ricans who espoused the cause of independence. Over 135,000 persons and organizations were illegally spied upon, indexed and placed on the list of "subversives" merely because they loved their homeland and hoped to see it free. When one considers that the entire population of the island is but 3.5 million, the political impact of this illegal practice is obvious.

The evidence of political repression is chilling, involving not merely passive surveillance and the maintenance of dossiers, but the deliberate fabrication of false charges and the active destruction of the pro-independence organizations. The dossier of one former political prisoner contains diagrams of her home showing the placement of windows with arrows

(Mr. Morín)

indicating the likely trajectory of bullets aimed at a figure sleeping in her bed.

The purpose of this grotesque use of police power was none other than the maintenance of colonialism. According to the crude formula used by the agencies of repression, to believe in independence was to be a "subversive". Adherents of the other two status options were not subject to similar treatment. It matters little that the files were maintained in the offices of the police of Puerto Rico. The interests protected were North American. Many of the files bear evidence of their use by United States agencies. As if they were library books for the borrowing, dossiers were systematically taken out by such agencies as the FBI to be used for their own purposes. We know, of course, that the FBI and other United States Government agencies kept files of their own and used the ones in Puerto Rico to supplement and expand them.

It will take years of patient work to unearth the full extent and nature of this practice. But we do not have to wait till then to know what went on and to assess, in a fairly accurate manner, the damage done to individuals, to the independence movement, and to society as a whole. Considering what we know about the years of incarceration, torture, persecution and involuntary exile, it is surprising that an independence movement even exists, let alone that it continues to struggle for its ideals with tenacity and perseverance.

Our question to the members of this body is: how could the will of the Puerto Rican people regarding their future political status possibly be expressed in any fair and just manner when they have been subjected, for decades, to a sophisticated and systematic process of repression and control? Can we really consider any process that does not even pretend to comply with the procedures established in resolution 1514 (XV) to be anything other than efforts to perpetuate and legitimize colonialism?

(Mr. Morín)

The international community and the members of this Committee know better than anyone that the answer is in the negative.

In the words of Puerto Rico's great nationalist leader, Pedro Albizu Campos,

"In Puerto Rico it will be determined which shall rule in America - the force of law, or the law of force."

We depend upon the members of this Committee to defend with their authority and integrity the force of law, lest in Puerto Rico it be determined that the law of force shall rule in America.

Mr. Morín withdrew.

At the invitation of the President, Mr. Javier Nieves (Assemblyman, 51st District, King's County, New York State) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Nieves.

Mr. NIEVES (interpretation from Spanish): I come before the Committee as the official representative of the 51st District, King's County, Brooklyn, New York. I represent a considerable number of Puerto Ricans in my Assembly District with whom I share, day by day, concerns over the political destiny of our beloved Puerto Rican nation.*

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* Mr. Bangali (Sierra Leone), Vice-Chairman, took the Chair.

(Mr. Nieves)

The first of those concerns about our political destiny, regards our participation as a people living in forced exile in the pre- and post-plebiscite process and in the electoral process, established by the ruling party, that logically will follow.

It is my opinion, shared by the majority of Puerto Ricans in the United States, that before there is any process of consultation with the Puerto Rican nation, the people of Puerto Rico should enjoy the self-determination granted to all the colonial Territories that have achieved territorial or national autonomy within the United Nations. In the case of Puerto Rico, that will conclude the process begun with the historic adoption of resolution 1514 (XV) by this Organization and the Committee.

Another major topic of concern to Puerto Ricans living here in the United States, as well as to those living in our mother island nation, is the just liberation of Puerto Rican political prisoners. As an earlier speaker said, and as many others will certainly mention, they are the longest-serving political prisoners in the United States. Most of my supporters believe that those prisoners must be freed as part of the decolonization process and before the Puerto Rican people go to the polls to decide their future in a self-determination process under United Nations auspices.

Since the historic invasion by the United States in 1898, it has been the duty of all Puerto Ricans to struggle by every means available to us to assert our rights as a free people and restore the self-determination that was won from Spain by the Puerto Rican people together with other fraternal Caribbean nations, such as Cuba and the Dominican Republic. The main concern of our people in exile is that we may be excluded from participating in the decolonization of our people by foreign elements and interests in our country

(Mr. Nieves)

which have on occasion expressed their opposition not only in words but in political action, in violation of our legitimate right to struggle for our nation's self-determination. We regard ourselves as inheriting this right from our Puerto Rican ancestors, and as being nationals of our native land, even though we were born and brought up outside it.

I therefore express my support for the common cause of all my Puerto Rican brothers and sisters whom I represent in my district, the 51st District, King's County covering Sunset Park, Red Hook, Gowanus, Wyckoff Heights and Park Slope. I take the opportunity in this international forum to convey my warmest fraternal greetings to all the peoples of the world who support the struggle for decolonization and freedom, not only of Puerto Rico, but also of Northern Ireland, South Africa and other territories with similar political realities.

I should like to offer my warmest thanks to the members of the Special Committee on decolonization, and especially to you, Mr. Chairman, for giving me the opportunity to participate in this forum. I also thank the Puerto Rican and American communities which I represent for giving me the power of my office to express our collective opinion, which we hope will contribute to the decolonization and eventual freedom of the Puerto Rican nation.

Mr. Nieves withdrew.

At the invitation of the President, Mr. Francisco Velgara (U.S./Puerto Rico Solidarity Network) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Velgara.

Mr. VELGARA: My name is Francisco Velgara. I am the coordinator of the United States/Puerto Rico Solidarity Network and a Puerto Rican with a 20-year history of support for the independence and national liberation of

(Mr. Velgara)

Puerto Rico. My presence here today before the decolonization Committee is a welcome opportunity to give testimony regarding one the most important issues facing the international community today: the elimination of colonialism and all forms of exploitation by one nation over another.

I address the Committee on behalf of the U.S./Puerto Rico Solidarity Network, an organization founded in 1987 with the mission of educating the people of the United States about the colonial reality of Puerto Rico. Since its founding, the U.S./Puerto Rico Solidarity Network has worked with many sectors in the United States to educate and garner support for the multitude of peace, social justice and political movements of the Puerto Rican people, which testify to the effects of colonialism and the desires of the Puerto Rican nation to be free. In so doing, we have also worked to address the issues of racism, economic exploitation and discrimination facing the Puerto Rican community in the United States, as is often the case when a colonized people are forced to migrate to the national borders of the colonizing Power. We have also worked to support the inalienable right to self-determination, independence and national sovereignty of all nations in this hemisphere and throughout the rest of the world, and to promote common cause and solidarity among peoples.

The U.S./Puerto Rico Solidarity Network has worked to support the crucial work of the United Nations to bring about an end to colonialism on the face of this planet. Each year important work is undertaken by this Committee as it examines the case of Puerto Rico. Unfortunately, such serious efforts notwithstanding, today - 15 July 1993 - the people of Puerto Rico remain a direct colony of the United States Government.

(Mr. Velgara)

Today it is in vogue to speak of democracy, human rights and this so-called "brave new world", which is often referred to as the post-cold-war era and the "new world order". Surely, these words ring hollow as the world stops, albeit briefly, to examine a Puerto Rico that is colonized, exploited, invaded and occupied.

There exists nowhere on Earth an example of colonialism more open and blatant, or more deserving of the attention of the United Nations and of this Committee than the case of Puerto Rico, a case which has been under the continuous consideration of the Special Committee for more than two decades. During this time the United States military occupation of Puerto Rico, the systematic repression of the independence movement, the repression of the labour movement, the more than 20 per cent level of unemployment, the more than 60 per cent of Puerto Rican families living below the poverty line, the sterilization of Puerto Rican women - a widespread practice until recently - the incarceration of independence activists and the destruction of Puerto Rico's environment represent just a few of the devastating issues of colonialism in Puerto Rico that have been presented to this Committee.

Today, 23 Puerto Rican political prisoners and prisoners of war continue to languish in United States jails, denied the most basic human and political rights by any standard of international law and justice. We, like all freedom-loving peoples, cannot remain silent or become victims of inaction as these heroes of the anti-colonial struggles, men and women, continue to suffer. They are fathers, mother, brothers and sisters. They are not alone.

(Mr. Velgara)

Alicia and Ida Luz Rodríguez, Dylcia Pagán, Haydee Beltrán, Alejandrina Torres, Carmen Valentín, Edwin Cortés, Ricardo Jiménez, Alberto Rodríguez, Luis Rosa, Oscar López Rivera, Elizam Escobar, Adolfo Matos, Luis Colón Osorio, Juan Segarra-Palmer, Carlos Alberto Torres, Antonio Camacho Negrón, Norman Ramirez Talavera, Roberto Maldonado, Jorge Farinacci, Hilton Fernández Diamonte, Orlando Gonzalez Claudio and Isaac Camacho Negrón: their crime was fighting for the liberation of Puerto Rico from the yoke of United States colonialism.

Yes, today, 15 July 1993, Puerto Rico remains a direct colony of the United States Government and the oldest colony in the Americas. It is amazing that as we inch closer to the end of this century there is a debate and a dialogue about a plebiscite to decide the future of the people of Puerto Rico while the island of Vieques, Puerto Rico, continues to be occupied by the United States navy and as Puerto Rico continues to serve as a launching pad for invasions and for intimidation of its sister countries in the Caribbean and Central America.

On this point it is sufficient to say that no individual or nation can freely decide its own destiny and path of political and cultural development while a gun is being held to its head, while its judicial and political system is subordinate to that of the colonizing Power, while its human and material resources are systematically plundered in the economic, political and military interests of the colonizer; and their multinational corporations.

Successive United States Administrations have ignored or shown outright contempt for the decisions of the General Assembly and the votes of this decolonization Committee, making a mockery of the will of the international community expressed in the decision to make this the decade to end

(Mr. Velgara)

colonialism. This year once again United States representatives have worked diligently to try and eliminate Puerto Rico from the list of colonial Territories and colonized peoples. In that regard, we call upon this Committee to continue, true to the wishes of the community of nations and its own work, to take the moral high ground and resist any such attempts.

Many organizations and prominent individuals have come before this Committee to testify about the colonial case of Puerto Rico. Many people's movements and religious, labour, environmental and other activities have come here. The anti-colonial struggle has many friends throughout the world, in large measure because their own past of colonial domination is the present of the people of Puerto Rico. This is a historical identification forged through much struggle and sacrifice. But we would be seriously remiss in this or any other forum where the case of Puerto Rico is discussed if we did not give particular recognition and express our most heartfelt gratitude to the people of Cuba and their representatives at the United Nations for their steadfast support for the cause of the independence and liberation of the people of Puerto Rico.

We are here today to communicate to this Committee and to the peoples of the world the moral indignation and outrage felt by many people in the United States that the inalienable right of the Puerto Rican people to genuine self-determination and national sovereignty continues to be systematically denied and trampled upon as if in this so-called brave new world order economic and military might made right, and as if the oppressed and exploited had no rights.

(Mr. Velgara)

We are here today also to stand proudly and resolutely on the side of the people of Puerto Rico, who for 500 years have continued to resist the yoke of Spanish and United States colonialism, valiantly and with a demonstrated bold willingness to pay the price, always historically high, for freedom.

We are grateful to have had this opportunity to meet our responsibility to the people of Puerto Rico by giving testimony in today's hearings.

Mr. Velgara withdrew.

At the invitation of the Chairman, Mr. Benito Torres (Colectivo Independentista Puertorriqueño del Area de Washington (CIPAW)) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Torres.

Mr. TORRES: I hope that the members of the Special Committee of 24 are having a good day. For many Puerto Ricans, this is anything but a good day. We can never have a good day until we have finally exercised our human right to self-determination, free from the grip of colonialism and its standing armies.

We have been struggling for national liberation for 500 years. We hope to end our subordination within the fraternity of nations before the end of the decolonization Decade. But if that is not the case we will continue our struggle for however long it takes: another 500 years, or whatever. But we will never give up. So for our situation to remain unresolved is only postponing the inevitable. Those who are sitting, waiting for us to give up, should get a cushion for their seats, because they will be sitting there for ever and a day.

(Mr. Torres)

I mention the decolonization Decade because I think it will have been misnamed if freedom does not come to Puerto Rico, the oldest colony in the world. If Puerto Rico is not free before the year 2001, the General Assembly will have turned that most humane campaign into a mere charade.

According to the United Nations, this is also the International Year of the World's Indigenous People. Let us stop the mockery. For five centuries we indigenous people have been expropriated, robbed and massively murdered; is everything to be resolved in the one year of a "getting to know you" type of campaign? When the campaign was launched on 10 December last, on Human Rights Day, indigenous peoples were not permitted to speak officially in the General Assembly; this was one more slap in the face for us.

I refer to the issue of indigenous peoples because, whether members have thought about it or not, we are the indigenous people of the Puerto Rican archipelago. We are the inheritors of the Taino and Carib peoples who inhabited our homeland before Columbus and the descendants of the African slaves upon whose backs so much wealth was generated. We are the prophecy of the rising of the people.

The Puerto Rican nationality is not really in question. After 100 years of United States invasion and of mass relocation of our people, not a single one of us, no matter where we may live, calls himself or herself a Puerto-Rican-American. With us, assimilation has failed miserably. We are Puerto Ricans only - and proudly.

The very existence in the United States capital of the Puerto Rican Pro-Independence Collective, which I represent here, is proof of our undying resistance to colonialism. We have been working in Washington for three years

(Mr. Torres)

now and gaining support for our cause from the District of Columbia community. The existence of groups like ours wherever there are Puerto Ricans demonstrates the tenacity of our struggle.

The fundamental mission of the United Nations is the pursuit of world peace. The United Nations must wake up and smell the roses. There can never be world peace so long as one nation does not have peace, and Puerto Rico can never have peace so long as the United States military controls 20 per cent of our national territory. Our country is used to launch United States military invasions in Central and South America as well as in the Caribbean. It is also used to keep the military presence and pressure on Cuba. None of these peoples are our enemies. It is absolutely immoral for the United States to use us and our land as the point of a spear against our own people.

With the imposition by the United States Congress of so-called Commonwealth status, which is sold to our people as the status of free and associated State - it is neither - the United Nations decided to look the other way while genocide was committed against the Puerto Rican people. I justify using the word "genocide" because, first, as I have already stated, the United States controls 20 per cent of our national territory by means of its military force. That process was legitimized during the Second World War and the cold war. Both those wars are now over, supposedly; while the United States is now closing bases, not one base in Puerto Rico has been included on the list for closure. Bases are being closed on the United States mainland against the wishes of the local populations, but we request the closure of the naval base in Vieques and the United States rejects our request.

(Mr. Torres)

Puerto Ricans are demanding by consensus that the United States Navy relinquish its control of 66 per cent of the land base in Vieques, including the best agricultural land, the water resources and the shortest route to the main island, which has kept Vieques in economic depression since 1940. The social and economic crisis in Vieques has forced most of its young people to migrate, or to die from the navy's pollution of the air, the water and the land.

Contrary to what the United States Government would have the Committee believe, United States military personnel still roam freely throughout Puerto Rico in uniform, their pockets full of dollars, thus eroding what little self-esteem the masses of unemployed Puerto Ricans have left.

During the 1970s, 40 per cent of women and 25 per cent of men of an entire generation of Puerto Ricans were sterilized without being informed. Though this is not being done any more, those people have not been paid reparations for the incurable damage and the genocide.

The United States engages in a great deal of publicity, highlighting Puerto Rico as the most industrialized country in Latin America. Are we supposed to be proud of an industrialization that broke our people's spiritual connection with the land, of a situation where Puerto Rico is turned into a tax and profit haven for technology- and pollution-intensive United States multinationals, leaving 60 per cent of Puerto Ricans living under the poverty level without jobs or hope? Are we supposed to be proud that the masses of the unemployed receive food subsidies, making them think that somehow they are getting something for nothing? Are we to be proud of 5 per cent of our people having acquired AIDS, with no cure in sight?

(Mr. Torres)

It is interesting that while the United Nations investigated the death squads in El Salvador it has not done the same with the death squads in Puerto Rico, where investigations have found that United States navy personnel, Federal marshalls and agents of the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA) were directly involved.

Puerto Ricans in the United States have been subjected to the cruellest type of racism; we are the poorest Latinos here because we refuse to die through assimilation.

Others before me have spoken of the 22 Puerto Rican political prisoners and prisoners of war in United States prisons, and of the fact that their crime is only that of fighting for independence. The women are tortured and kept almost entirely incommunicado; they are systematically raped. Who is protecting their human rights when the United States denies their existence?

There seems to be a disinformation campaign in the United States capital, where I now live. It seems as though the words "Puerto Rico" are taboo. The few times they appear, it is always with the insidious inference that we are begging for statehood; this goes to the extreme of openly falsifying the results of various referendums.

The United States is campaigning through its media to end the life of this Committee on decolonization because, supposedly, colonialism is something of the past. In the name of the Creator, what are Puerto Rico, the United States Virgin Islands, United States Samoa, Micronesia and Guam, to say nothing of the internal colonialism of about 200 indigenous nations, the Chicano people and the African-American population of Washington, D.C.? So long as the United States exists in its present form, colonialism will be an integral part of its existence.

(Mr. Torres)

Another factor is the imposition on Puerto Rican students of an aptitude test originally designed for Chicano and Mexican-American students in the southwestern United States. These tests do not apply in a linear way to all Spanish-speaking peoples, because they come from different geographical, cultural and political backgrounds. Thus, Puerto Rican students are pre-condemned to fail and to be labeled inadequate by the United States school system.

Last but not least, am I supposed to be naive and believe that it is mere coincidence that the Federal Government is holding hearings, even as I speak, about the proposed new sham referendum on the status of Puerto Rico? Divide and conquer is still being practised, as these dual hearings prove.

I have been living for the past 17 years in what we consider to be the heart of the colonial beast. During that time I have lived the racism and economic exploitation suffered by people of colour in a white-supremacist country, the United States. I have lived statehood. I have also come into contact with the native peoples of Hawaii and Alaska, and have learned of the advance of the process towards their annihilation under statehood. This makes me conclude that any other than independence constitutes overt genocide against my people. Why will the United States not grant statehood to Washington, D.C., its capital, with its African-American population, and relinquish its stranglehold on Puerto Rico, a Latin American and Caribbean nation?

I am grateful to the Committee for giving me this opportunity. I must end by urging the Committee to demand of the General Assembly an immediate

(Mr. Torres)

investigation into the charges of racism and genocide that the Puerto Rican Pro-Independence Collective hereby levels against the United States for its colonial practices in Puerto Rico.

I also urge that it suggest that the United Nations should implement and supervise a decolonization process in Puerto Rico, to be followed by a referendum implemented by Puerto Ricans and supervised by the United Nations, in which the Puerto Rican people can finally truly exercise its inalienable right to self-determination. We are not asking for anything beyond the normal procedures of the United Nations; this has been done before. We are asking the United Nations to demonstrate in practice its supposed neutrality and objectivity by doing for Puerto Rico what it did in the past for many current Members of the world body. Eliminating any double standard is the only way in which we can work towards a twenty-first century without colonialism.

Mr. Torres withdrew.

At the invitation of the Chairman, Mr. Gilberto Gerena-Valentín (Partido Nacionalista de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Gerena-Valentín.

Mr. GERENA-VALENTIN (interpretation from Spanish): My name is Gilberto Gerena-Valentín, and I am the Vice-Chairman of the Nationalist Party of Puerto Rico-Liberation Movement. For 52 years I have lived in the very belly of the beast, and have served on the City Council, representing one of the poorest areas of the country, The Bronx.

My party is not here today to explain how and why the colonial referendum planned for November in Puerto Rico does not comply with international decolonization law; other petitioners have done this in detail, and members of the Committee - who have the sacred task of protecting the interests of all

(Mr. Gerena-Valentín)

the world's colonized peoples until this crime against humanity is wiped from the face of the Earth - should understand better than anyone else the enormous differences between that referendum and a genuine decolonization process.

I do, however, note that the law signed by the colonial Governor on 4 July does not claim to go beyond the framework of colonialism; it is designed to lead to the total annexation of our people as a state of a country whose language, culture and history are very different from ours.

(Mr. Gerena-Valentín)

The text of the law does not say this. The ballot paper does not say this, not because it is not true, but because if it did it would be rejected by the Puerto Rican people. That is why we are here before the Committee, to reaffirm our commitment to continue the struggle to the very end to achieve what our people deserve, as every other people in the world does: our sovereignty.

No people goes to the polls freely and voluntarily to commit suicide. No people in the history of the world has ever decided collectively to give up its citizenship, language, culture, national anthem and heroes. The Puerto Rican people was not consulted in 1898 before the hoisting of the flag with 13 stripes, representing the British colonies that took the lands of the indigenous peoples, such as the Iroquois. The Puerto Rican people was not consulted in 1917 when we were deprived of our citizenship and José de Diego, on behalf of our Chamber of Deputies, tried to reject it.

The party which is promoting the referendum, better described as an electoral survey, aware of the impossibility of defending and maintaining our present degrading colonial condition, is promising to maintain the language, the culture, the flag and the national anthem of our people under the sovereignty of the United States. These promises are legally impossible to fulfil, as is shown by the fact that American citizens of the state of Louisiana, for instance, learn everything from a very early age not in French, their native tongue, but in the language of Washington. Similarly, for Mexicans in the states of Texas, New Mexico and Colorado - obtained by means of the invasion and military occupation of half of Mexico's territory - trials are conducted in English. The presence of these cultures and those of the

(Mr. Gerena-Valentín)

indigenous nations - rightful owners of the whole of the United States - is respected only when it is reduced to a museum exhibit.

The survey's promoters also promise to our unemployed and homeless, victims of the tax-free gains of huge United States corporations which annually take thousands of millions of dollars in profits out of Puerto Rico, an increase in federal subsidies, which enslaves them while buying them food, medicine, expensive cars - paid for at usurious interest rates - and drugs. Yes, narcotic drugs are being bought with federal checks which flood our island to try to fill the vacuum created by the taking of our rich lands and coastal waters for military uses and by the pollution and poisoning of our waters, soil and air to increase the profits of the pharmaceutical and mining interests - in sum, all the consequences of depriving us of our capacity to decide our own destiny as a sovereign people.

The next colonial referendum, like all the others before it, remains within the framework of the political, economic and legal system which made slaves of us for almost a century. It is just one more of the many referendums, plebiscites or surveys aimed at disguising colonialism in Puerto Rico. It is equally obvious that in a colonial system no electoral survey can serve as an instrument for decolonization, and that decolonization is the only just, true and permanent solution to the Puerto Rican problem.

Each of the colonial electoral formulas for Puerto Rico has been presented as the solution to the Puerto Rican problem. After the creation of a civil government for Puerto Rico in 1900 came the Jones Law in 1917, which imposed United States citizenship on the Puerto Rican people contrary to their freely expressed wishes. In 1952 came the Commonwealth, in response to the petition of the independista majority of representatives elected in Puerto

(Mr. Gerena-Valentín)

Rico then. In 1967 there was the plebiscite which came in response to the requirements of General Assembly resolution 1514 (XV) as a product of the wave of decolonization which had swept Africa and the struggle of the peoples of Asia.

The problem of Puerto Rico persists here at the United Nations, in the Congress of the United States and in the heart of our country, because we have still not won our freedom and sovereignty as a people. And this will go on until we are really able to feel that we are one with you, distinguished representatives of the sovereign nations of the world.

Much has been said about the attempt to convince the Committee that Puerto Rico is not a matter for international law and that it does not come within the Committee's competence to deal with an internal affair of the United States. But it is the United States, its officials and Constitution that insist that Puerto Rico belongs to, but is not part of, the United States, under the provisions of the territorial clause of the Constitution. If Puerto Rico is, according to the United States, a territory, then the Committee is indeed competent to deal with the matter. If Puerto Rico is a Territory of the United States, General Assembly resolution 1514 (XV) applies fully.

The Nationalist Party of Puerto Rico would like respectfully to place the present discussion in its correct perspective by explaining the history of the various efforts which have been made in order to avoid the resolution's application to our case. The Nationalist Party of Puerto Rico has participated, almost since its inauguration, in this highest international forum. In January 1947 we had a duly accredited representative and observer to attend United Nations sessions.

(Mr. Gerena-Valentín)

Immediately after the observer sent a letter dated 31 October 1950 to the Secretary-General, asking for urgent consideration by a suitable body of the military events in Puerto Rico provoked by the declaration of the Second Republic, the Nationalist Party's permission to attend as a non-governmental organization was summarily revoked. We have since been trying to regain the credentials unjustly taken away from us in the effort to hide from this body the colonial condition of our country. Our absence from this major Committee, except for our appearance once a year, has made it easier for a false picture to be projected of Puerto Rico and its relationship with the last colonizer of this hemisphere.

We understand that it was imperative for the implementation of General Assembly resolution 748 (VIII), which exempted the United States from its obligation to provide annual reports on Puerto Rico, that there should not be present here any duly accredited representative of the Puerto Rican people. In order to remove Puerto Rico from the list of colonial countries and from under the microscope of international vigilance, the colonial Power found itself obliged to resort to what, in historical perspective, can only be described as yet another kind of lie.

Ambassador Bolton stated, for example, that with the implementation of the Commonwealth, Puerto Rico was no longer a colony because it was

"a free State not subject to any higher authority",

and that there existed a political agreement between the United States and Puerto Rico concerning the nature of a convention "which cannot be amended or revoked without mutual consent."

(Mr. Gerena-Valentín)

Approximately 25 years later, in 1975, the Department of the Interior of the United States complained that the nomenclature of "Commonwealth" and "mutual agreement" had created much confusion because Puerto Rico was neither a free State nor a party to any agreement that required, for amendment or revocation, mutual consent. Contrary to what the Fourth Committee was told by the United States Ambassador in 1953, the creation of this Commonwealth put Puerto Rico in the conditon of a

> "Territory of the United States subject to the power of the Congress, ... without any separate, independent existence",

according to the Department of the Interior. This legal interpretation of the current status of Puerto Rico was repeated by the Attorney-General of the United States in 1991, when he explained to the Senate Committee on Energy and Natural Resources that the United States Congress exercises a plenipotentiary power over Puerto Rico, which is a relationship the Puerto Ricans cannot change, and that this relationship is unalterable until amended by the very Constitution of the United States. I ask the Committee to recall that the vote in the General Assembly in favour of resolution 748 (VIII) gives cause for doubts over its rightness and justness. Out of 60 members, only 26 favoured the resolution. More than half abstained or voted against, 18 abstaining and 16 voting against. The Ambassador of newly decolonized India explained its vote against by saying that even though certain changes had been made to the resolution, they were not so significant as to exempt the United States from providing reports in accordance with the requirements of Article 73 (e) of the Charter. Even more important, according to the representative of India, the approbation of the new Constitution for the Commonwealth did not take place

(Mr. Gerena-Valentín)

"when Puerto Rico is fully independent of external pressures ... and when the democratic processes claimed, such as referendum or plebiscite, are conducted in an atmosphere of complete democratic freedom." (Official Records of the General Assembly, 459th meeting, para. 175)

Today we are reliving that experience with another consultation that is not independent of external pressure in an atmosphere of complete democratic freedom. Under resolution 742 (VIII), which establishes criteria to evaluate the processes called for with regard to decolonization, neither the establishment of the Commonwealth in 1952 nor any referendum held in 1993 qualifies as a genuine exercise of self-determination because at no time has the United States shown its willingness to discontinue all pressure and repression in order to allow us Puerto Ricans to argue and resolve among ourselves the political destiny we are entitled to as an Antillean people. The United States has never expressed its willingness to withdraw from the various day-to-day activities of our people and let us have free consultations among ourselves, within our family, as it were, in order to be able to build a democratic society on the basis of our own experience as a people.

The repeated attempts to complete or improve the Commonwealth, such as the 1967 plebiscite, were, as was admitted by presidential adviser Brzezinski, mere attempts to avoid criticism that was deserved by dint of having a colony. Now, 26 years later, it has been proposed to hold another referendum, this time intended to gauge the desperation they tried to instil in us as Puerto Rican children in our first English class: without the United States, they said, we shall starve to death. We are ashamed to admit it, but colonialism has been so successful in our country that it has not only destroyed our agriculture and national economy, but has also succeeded in colonizing the minds of many Puerto Ricans to the extent that they are able to

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vote for annexation in order to ensure their food stamps, scholarships, verterans' benefits, social security, housing subsidy and health and medical coverage. Through this kind of cynicism some colonized politicians hope to reach the American Congress.

Colonialism in the twentieth century is a sophisticated, intelligent monster. It has tried to buy consciences and a people. But even with economic bribery, it has not managed to destroy our identity. After 95 years of required English, we still pray, eat, carry out our political dialogue, judge each other and love each other in the Spanish language. Colonialism has managed to destroy our national economy and, hence, our self-esteem and confidence in our ability to meet our own needs without our addictive dependence. That is why one should not be surprised at votes in favour of annexation in the upcoming referendum. Those votes will be the expression not of a people's self-determination, but rather of the desperation of a trampled people that is still under military occupation and watched over and persecuted for its ideals and its poverty, a people whose heroes must be martyrs, whose patriots cry to us from American jail cells or from hiding.

The Nationalist Party of Puerto Rico, a liberation movement, is aware of the challenge facing it and the tremendous sacrifice that must be made to make a colonized people into a free and sovereign people. We understand that decolonization is a process of struggle that requires the abolition of mental slavery and the construction of viable alternatives to ensure the survival of the people. By the same token, we understand that international law requires that process to begin with a general amnesty so that patriots in jail, exile or hiding can join Puerto Rico's community life.

We pledge to follow faithfully those principles, whatever might be the outcome of next November's referendum, because it offers no opportunity for an

(Mr. Gerena-Valentín)

open, free, democratic consultation of all the Puerto Rican family residing on the island and in the metropolis. We carry on with the sacred task of decolonizing the minds of Puerto Ricans and establishing the bases for a national economy and a constituent assembly for the creation of the new nation we owe to our children. We carry on fighting, trusting that

"There comes a time when justice arms the weak and tumbles the giants." (Speech by Pedro Albizu Campos, Lares, 23 September 1949)

The only thing we ask of this body is that it reiterate its commitment to its duty to oversee the interests of each and every colonized people until that crime against humanity disappears from the face of the Earth.

"When one seeks freedom for human beings one is not seeking freedom for one race, one is seeking freedom for all humanity." (Speech by Pedro Albizu Campos, Cabo Rojo, 8 April 1949)

Mr. Gerena-Valentín withdrew.

At the invitation of the Chairman, Ms. Ana M. López (National Committee to Free Puerto Rican Prisoners of War) took a place at the Committee table.

The CHAIRMAN: I call on Ms. López.

Ms. LOPEZ (interpretation from Spanish): Good afternoon. My name is Ana López, and I appear before the Committee on behalf of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners. Over the last 13 years we have been appearing before this international forum to describe the situation of our patriots, colonial freedom fighters who are imprisoned in federal jails in the United States because of their struggle against colonialism and for the independence of Puerto Rico.

(Ms. López)

For 13 years I have seen all the flags flying in front of the United Nations, but the Puerto Rican flag is not yet among them. And when there are men and women, Puerto Rican men and women, prepared to defend that flag, prepared to unfurl that flag, the United States imprisons them, murders them, tortures them and deprives them of their humanity.

The United States does not understand that we want Puerto Rico to be free and sovereign because the star of our flag does not belong in the United States flag, as a popular Puerto Rican folk song puts it. We see a constant decline in the support this forum gives to our just struggle, while day after day men and women who defend our homeland continue to suffer psychological torture in control units that impose total sensory deprivation on them.

We cannot understand how this body so readily denounces violations of the human rights of political prisoners in other countries but when it comes to Puerto Rico, whose prisoners are right here in United States territory, right around the corner from the United Nations, we are ignored and given the cold shoulder.

Puerto Rico is the last classical colony on the face of the Earth. We have had 95 years of United States colonization and we say "Enough is enough".

Our compatriots are illegally imprisoned in the United States for fighting against colonialism, and their sentences of 35 years to life are excessive, being 19 times longer than the norm for similar offences. These disproportionate sentences really constitute punishment for what these people represent: colonial freedom fighters. They have been sentenced for political acts that they committed for the independence of Puerto Rico. Some of these prisoners have already served from 10 to 13 years in prison, much more than the average sentence served by a person convicted of murder. Some of theme

(Ms. López)

have been held in maximum security prisons, where conditions are inhuman and restrictive and which have been condemned by Amnesty International and by other human rights organizations.

Our campaign to have these prisoners released includes a request to President Clinton that he grant them immediate and unconditional amnesty. The history of the United States provides precedents for this request for a presidential pardon. They include the pardons granted to the confederate soldiers who took up arms during the Civil War and who were condemned as traitors and also to those persons convicted of organizing a resistance during the First World War. Lastly, such pardons were also granted to Puerto Rican nationalists who fired at Blair House in 1950 and at the United States Congress in 1954.

There is a legal and juridical basis in international law for the release of our anti-colonial, freedom-fighting patriot prisoners. We ask the Committee on decolonization to declare in a resolution first, that it urges good-faith action by the United States to release Puerto Rican political prisoners and prisoners of war in accordance with applicable provisions for the safeguarding of human rights; secondly, that it demands a transfer of power to the Puerto Rican people so that they can exercise their right to self-determination and independence, and, thirdly, that it urges the United States not to interfere or use economic or military pressure against the people of Puerto Rico exercising, in the process they choose in accordance with international law, their right to self-determination and independence.

We ask for freedom for all Puerto Rican political prisoners and prisoners of war now. The fight belongs to us.

Ms. López withdrew.

At the invitation of the Chairman, Mr. Alvin D. González (Young Lords, Inc.) took a place at the Committee table.

The CHAIRMAN: I call on Mr. González.

Mr. GONZALEZ: I am a representative of the Young Lords, Inc. It is important that we be here today, along with other individuals, groups and organizations to demand, as one, the following: first, that Puerto Rico be recognized for what it really is - a colony of the United States without the right to self-determination; secondly, that all Puerto Rican political prisoners and prisoners of war be set free immediately; and, thirdly, that the United States Government take full responsibility for the deplorable social, economic and political conditions in which Puerto Ricans find themselves today.

The mission of the Young Lords Inc. is to advance the economic, political, cultural, educational and social standing of Latinos and African-Americans within the barrios of our people. In keeping with this, two of our major objectives are to provide true political education as it relates to our people and to free all political prisoners and prisoners of war in the United States.

Why can Puerto Rico be defined only as a colony?*

First and foremost, it cannot be denied that the United States was never invited into Puerto Rico, but, rather, in 1898 militarily invaded Puerto Rico bearing arms, maiming and killing innocent men, women and children. Secondly, the United States military seized total control over Puerto Rico's economy, commerce and the land itself. And, to add insult to injury, the United States Government imposed illegal laws on Puerto Ricans, such as the Jones Act of

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* The Chairman returned to the Chair.

(Mr. González)

1917 which forced United States citizenship upon the masses and listed opponents as subversives. This led to the hunting and tracking down of innocent Puerto Ricans who refused to relinquish their right to self-determination. Not only was this true in 1917, but it is also true today, in 1993, as we head into the twenty-first century.

How do I know that this is still true today?

The United States Government has kidnapped at least 23 Puerto Ricans that we know of, or is illegally holding them captive and subjecting them to cruel and inhumane punishment. This is not uncommon amongst tricksters. We know that the United States Government makes use of our patriots' intentions in order to attack and arrest other Puerto Ricans throughout the world. Many of our sisters and brothers have received jail sentences that are ludicrous. For example, Carmen Valentine received a 98-year sentence simply because she fought for Puerto Rico's right to self-determination. Washington and "Ol' Pat Henry" fought for what they believed in and are known throughout the world as heroes. This is a clear example of how American democracy for Puerto Ricans is but a disguised hypocrisy. If America really intends to stand for its word, "democracy", it must release, right here and now, today, all Puerto Rican political prisoners and prisoners of war. And if it does not, then what is its alternative?

Will American continue to fiddle while the inner cities burn?

America must take responsibility for the colonial violence that permeates our inner cities, where the majority of our Puerto Rican youth live. Drugs, poverty, crime, mental illness, sub-standard housing, unemployment, infant mortality, poor medical care and suicide are inextricably tied to this colonial system. In 1898, during America's military invasion of Puerto Rico,

(Mr. González)

General Nelson Miles stated in his proclamation that Puerto Ricans were lazy, dirty savages that were uncivilized and ignorant. This hatred for Puerto Ricans expressed by General Miles existed then, and is clearly very much alive today. Puerto Rican patriots who are the epitome of a 95-year resistance by Puerto Rico to United States colonial rule remain jailed for fulfilling their patriotic duties in Puerto Rico's war for liberation against the United States.

(Mr. González)

Those patriots are forced to endure excessive jail sentences under the most horrible conditions. This is a clear message to our youth that it is more acceptable in America to commit crimes such as selling drugs than to fight to rise above their wretched reality. This same message communicates to our youth that it makes sense to use drugs or become slaves to other addictions that are dressed up by American propaganda to appear pleasurable rather than to attempt to exercise their inalienable right to be free Puerto Ricans, lest they suffer the same fate. We are told that, if we want to rise above the inner-city conditions in which we find ourselves and are blamed for creating, it is wise to join Uncle Sam's army and be all that we can never be, to fight wars that are not our own but profit America, having to kill innocent men, women and children who are more our brothers and sisters than the Americans themselves.

How do we know we are at war? Technically, there are enough international laws written that legitimize our claim. But the real and literal proof is in taking a look at and making an honest assessment of the inner cities where Puerto Ricans live. In these areas one will find casualties of war that number not in the thousands but in the millions. In these same areas one sees at first hand the ravages of chemical, environmental and psychological warfare. One true and honest look is all it takes. To instil fear in a people through military and police violence is criminal. To teach self-hate through an imposed educational system is immoral, and for America to advocate the release of political prisoners and prisoners of war in other parts of the world while jailing innocent people right here in this country for their political beliefs is hypocritical.

The Young Lords, Inc., stands before this Committee, looks right into its members' eyes and says: "It is your duty to keep the question of Puerto Rico

(Mr. González)

under continuing review. It is your duty to put the question of Puerto Rico high on the Committee's list of priorities. It is your duty to take whatever measures are necessary to apply enough pressure to the pathological liar we call America to make it adhere to international laws and immediately release all Puerto Rican political prisoners and prisoners of war or allow them to go into exile in a country that is prepared to give them asylum."

Mr. González withdrew.

At the invitation of the Chairman, Mrs. Milagros Sotomayor (The Last Straw), took a place at the Committee table.

The CHAIRMAN: I call on Mrs. Sotomayor.

Mrs. SOTOMAYOR: I should like to offer my thanks and appreciation to the Committee for affording my colleague Pedro Díaz Concepción and me the opportunity to address it today.

My name is Milagros Sotomayor and I am a former intelligence operations specialist for the United States Air Force and a veteran of the Persian Gulf war. I am currently a student at the John Jay College for Criminal Justice in New York City and a representative of the Puerto Rican pro-independence student publication The Last Straw.

As a child I was taught by my parents that I was Puerto Rican. All my life I have been proud of that, although for most of my life I did not even know why. I have never considered myself to be American. I accepted my status as a citizen of the United States, but never fully accepted the so-called American culture. I grew up in this country and slowly began to accept it, but only because I was ignorant of my own history, a rich history that I was deprived of by the colonial Power.

(Mrs. Sotomayor)

After helping kill hundreds of thousands of poorly trained soldiers and civilians in the Middle East, I began, like so many other Puerto Rican soldiers in the United States armed forces, to discover my roots and what it meant to be Puerto Rican. I read about Puerto Rican leaders and poets, and their struggles heightened my sense of ethnicity. While educating myself and others I realized I had no other recourse than to fight for the liberation of my country, Puerto Rico. Liberating my mind and breaking the psychological chains of the colonial Power was my first step towards victory.

It is imperative that the liberation of Puerto Rico take precedence on the decolonization Committee's agenda. With all due respect to the Committee, I feel obligated to inform it that our independence - Puerto Rican independence - lies not solely in the minds of the Committee, but also in the hands of the Puerto Rican people, who will fight, be imprisoned or perhaps even die at the hands of the most powerful empire today, the United States. Puerto Ricans, whether born, like myself, in this country or at home in Puerto Rico, will cast the final ballot. Unfortunately, this may lead to unnecessary bloodshed because of the United States dependency on Puerto Rico as a militarily strategic land base for controlling a host of other Latin American countries with its military omnipotence. The United Nations could prevent unnecessary violence by not letting the situation escape it and by voting for the immediate and unconditional release of Puerto Rico and its patriotic military leaders and soldiers.

How much longer will the decolonization Committee have to consider and reconsider and come to the same conclusion that Puerto Rico is a colony and that the Committee is responsible to the Puerto Rican people, not to the

(Mrs. Sotomayor)

United States Government? Each and every Committee member has to act immediately with compassion and force to impose diplomatic power on the United States, starting with trade embargos and, if absolutely necessary, the use of United Nations coalition forces to remove the United States from Puerto Rico.

Once again, I ask the decolonization Committee to consider the ramifications of its decision on Puerto Rico's sovereignty and its possible effects on the people of Puerto Rico. These effects can be seen in the inhumane treatment of our political prisoners and prisoners of war. Do not let this torturous treatment of our patriots go unpunished. The United States must be held accountable for its actions, our prisoners of war must be released and our nation of Puerto Rico must be liberated.

(spoke in Spanish)

Hail free Puerto Rico! Hail free Puerto Rico!

The CHAIRMAN: In view of the disruptive behaviour of some visitors in the public gallery, if I hear no objection I shall adjourn the meeting now.

It was so decided.

The meeting rose at 5.30 p.m.